

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

BMG RIGHTS MANAGEMENT)
(US) LLC, and ROUND HILL)
MUSIC LP)

Plaintiffs,)

v.)

Case No. 1:14-cv-1611(LO/JFA)

COX COMMUNICATIONS, INC.,)
COXCOM, LLC)

Defendants.)

[Plaintiffs' Proposed] *Voir Dire* Questions

Plaintiff BMG Rights Management (US) LLC and Round Hill Music LP, respectfully submit the following Proposed *Voir Dire* Questions pursuant to Local Civil Rule 51:

1. Has anyone heard or read anything about this lawsuit, or other lawsuits like it? ***If yes, privately:***
 - a. What have you heard or read, and where did you hear or read it?
 - b. Do you have any views or opinions about this case or cases like it?
 - c. Do you have any views or opinions about who should prevail in this case?
2. Does anyone know or have any personal experiences or dealings with any of the:
 - a. Parties
 - BMG Rights Management (US) LLC
 - Cox Communications, Inc. or
 - CoxCom, LLC
 - b. Attorneys
 - Plaintiffs':
 - Roger Warin
 - Michael Allan
 - William Pecau
 - John Caracappa
 - Paul Gennari
 - Jeremy Engle
 - Jeffrey Theodore
 - Margaret Kammerud
 - Stephanie Roberts
 - Elizabeth McKenzie

- Walter Kelley, Jr.
 - Michael Crain
 - Defendants':
 - Craig Reilly
 - Andrew Bridges
 - Brian Buckley
 - Armen Nercessian
 - Guinevere Jobson
 - David Hayes
 - Jedediah Wakefield
 - Ciara Mittan
 - Ronnie Solomon
 - Nicholas Plassaras
 - c. Law firms
 - Steptoe & Johnson, LLP
 - Hausfeld, LLP
 - Crain Law Group, LLC
 - Fenwick & West LLP
 - Law offices of Craig C. Reilly
 - d. *If yes, please explain privately.*
3. Have you ever served on a jury before? *If yes:*
- a. Was it a civil or a criminal trial?
 - b. Did the jury reach a verdict?
 - c. Did you agree with the result?
4. Have you ever been a party to a lawsuit? *If yes:*
- a. Were you the plaintiff or the defendant?
 - b. What was the claim?
 - c. Were you satisfied with the outcome?
5. Have you ever been a witness in a lawsuit? *If yes: please describe.*
6. Does anyone not have home internet service? *If yes:*
- a. Did you ever have home internet?
7. Does anyone currently receive or has anyone ever received his or her internet service from Cox? *If yes:*
- a. When did you become a Cox customer? When, if ever, did you stop being a Cox customer?
 - b. How would you describe your experience with Cox?
 - c. If you were a Cox customer in the past but no longer subscribe to Cox; *in private:*
 - Why did you leave Cox? Chose to leave? Terminated?
8. Do you, a relative, or a close friend have any education, training or work experience in:
- a. The law?

- b. Internet, satellite or telecommunications services including wireless?
 - c. Intellectual property, such as patents, trademarks, or copyright?
 - d. Software development or programming?
 - e. Electrical or Computer Engineering?
 - f. Information technology?
 - g. Music publishing, production or performance?
 - h. ***If yes to any above*** – Please describe the extent of your/their experience.
9. Have you, a family member or a close friend worked at the FCC? ***If yes***– Please describe the extent of that employment.
10. Have you, or a relative or close friend, ever filed for or received copyright, trademark or patent protection? ***If yes, please explain privately.***
11. Do you, or a relative or close friend, make all or any portion of your livelihood from writing, performing, selling, distributing, or managing the rights to music? ***If yes, please explain.***
12. Do you, or a relative or close friend, make all or any portion of your livelihood in the information technology or computer industries? ***If yes, please explain.***
13. Do you, or a relative or close friend, make all or any portion of your livelihood in the internet, wireless or satellite industries? ***If yes, please explain.***
14. Have you ever purchased music online at sites such as iTunes or Amazon; or subscribed to music streaming services such as Pandora or Spotify?
15. Do any of you think that shoplifting is acceptable?
16. Have any of you heard of or visited the following websites Torrentfreak.com, Arstechnica.com or Techdirt.com?
17. Have any of you heard of or visited the following websites ThePirateBay, KickassTorrents, Torrentz, PublicBT, or Extratorrent?
18. Have any of you heard of or used BitTorrent?
19. Have any of you ever used Internet file sharing, which is also called peer-to-peer (P2P) networking or computing? ***If yes, privately:***
- a. Have you ever downloaded music without permission by file sharing? Please note that the plaintiffs in this case are not making any claims against individuals who have done this so there's no risk in answering this question, but it's important to know if anyone has.
20. Have any of you or a relative or close friend, ever been accused of illegally downloading music or videos, or received a notice from an internet service provider about illegally downloading music or videos? ***If yes, please explain privately.***

21. Do any of you believe all music should be free on the Internet? Asking it another way, would anyone find it difficult to find a defendant liable for allowing unauthorized downloading of copyrighted music without paying for it?
22. Do any of you believe that either song performers or songwriters are paid too much money?
 - a. Would this impact your ability to find for the Plaintiff, who, if successful in this lawsuit, will disperse a portion of any damages award to its clients, who are songwriters?
23. In this case, BMG Rights Management (US) LLC is suing Cox, the internet service provider, for copyright infringement, contributory infringement, and vicarious infringement. You'll hear more what that means later, but would anyone here have a problem with the idea of holding an internet service provider liable for copyright infringement occurring on its network?
24. Does anyone have any of the following copyrighted songs which are among the songs at issue in this lawsuit on their phone, computer or personal electronic device?
 - a. Man in the Mirror by Michael Jackson
 - b. I Gotta Feeling by the Black Eyed Peas
 - c. American Honey by Lady Antebellum
 - d. White Wedding by Billy Idol
 - e. Kiss Tomorrow Goodbye by Luke Bryan
 - f. Someone Like You by Adele
 - g. Find Your Love by Drake
 - h. The Cowboy in Me by Tim McGraw
 - i. In da Club by 50 Cent
 - j. It Won't Be Like This For Long by Darius Rucker
 - k. Just the Way You Are by Bruno Mars
 - l. *If yes to any of the above*, how did you acquire this music?
25. Do any of you have any concerns about awarding a large amount in damages, if the evidence warrants it?
26. Do any of you have any strong opinions, positive or negative, about Cox?
27. Do any of you have any strong opinions, positive or negative, about BMG Rights Management (US) LLC?
28. Do any of you have any strong opinions, positive or negative, about music publishers, record companies, copyright protection for music, or downloading music?
29. Have any of you had any experiences with Cox that might influence your opinion in this case?

30. Have any of you had any experiences with BMG Rights Management (US) LLC that might influence your opinion in this case?
31. Do any of you have any trouble understanding, speaking, writing or reading English?
32. Do any of you have any medical or physical difficulties that could affect your ability to sit for 90-120 minutes at a time?
33. Do any of you take any medications or have any medical conditions that would make it difficult to sit as a juror, concentrate on the evidence, and/or deliberate?
34. Do any of you have any specific problems at home or with their job that may make you lose your concentration during the trial or cause you to hurry the decision-making process in the jury room?
35. Is there anything else that you think we should know about your ability to serve as a fair and impartial juror that I didn't ask about?
36. If you were one of the parties in this case, is there any reason you wouldn't want yourself as a juror in this case?

November 24, 2015

Respectfully submitted,

/s/ Jeremy D. Engle

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CERTIFICATE OF SERVICE

I hereby certify that on November 24, 2015, I electronically filed a true and correct copy of the foregoing using the Court's CM/ECF system, which then sent a notification of such filing (NEF) to all counsel of record:

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